

AMENDED IN SENATE AUGUST 21, 2014

AMENDED IN SENATE AUGUST 14, 2014

AMENDED IN SENATE JUNE 12, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2044

Introduced by Assembly Member Rodriguez

February 20, 2014

An act to amend Sections 1569.618 and 1569.625 of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2044, as amended, Rodriguez. Residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. A violation of these provisions is a misdemeanor.

Existing law requires the administrator designated by the licensee to be present at the facility during normal working hours and requires a facility manager, as defined, to be responsible for the operation of the facility when the administrator is temporarily absent from the facility.

This bill would require that at least one administrator, facility manager, or designated substitute who is at least 21 years of age and has adequate qualifications, as specified, be on the premises of the facility 24 hours per day. The bill would also require the facility to

employ, and the administrator to schedule, a sufficient number of staff members, as prescribed.

Existing law requires the department to adopt regulations to require staff members who assist residents with personal activities of daily living to receive appropriate training, which consists of 10 hours of training within the first 4 weeks and 4 hours annually thereafter. Existing law requires that the training include specified topics.

This bill would require that this training also include building and fire safety and the appropriate response to emergencies.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 1569.625 of the Health and Safety Code proposed by AB 1570 that would become operative if this bill and AB 1570 are both enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill would incorporate additional changes to Section 1569.618 of the Health and Safety Code proposed by AB 1571 that would become operative if this bill and AB 1571 are both enacted and this bill is enacted last.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1569.618 of the Health and Safety Code
- 2 is amended to read:
- 3 1569.618. (a) The administrator designated by the licensee
- 4 pursuant to subdivision (k) of Section 1569.15 shall be present at
- 5 the facility during normal working hours. A facility manager
- 6 designated by the licensee with notice to the department, shall be
- 7 responsible for the operation of the facility when the administrator
- 8 is temporarily absent from the facility.
- 9 (b) At least one administrator, facility manager, or designated
- 10 substitute who is at least 21 years of age and has qualifications
- 11 adequate to be responsible and accountable for the management

1 and administration of the facility pursuant to Title 22 of the
2 California Code of Regulations shall be on the premises 24 hours
3 per day. The designated substitute may be a direct care staff
4 member who shall not be required to meet the educational,
5 certification, or training requirements of an administrator. The
6 designated substitute shall meet qualifications that include, but are
7 not limited to, all of the following:

8 (1) Knowledge of the requirements for providing care and
9 supervision appropriate to each resident of the facility.

10 (2) Familiarity with the facility's planned emergency procedures.

11 (3) Training to effectively interact with emergency personnel
12 in the event of an emergency call, including an ability to provide
13 a resident's medical records to emergency responders.

14 (c) The facility shall employ, and the administrator shall
15 schedule, a sufficient number of staff members to do all of the
16 following:

17 (1) Provide the care required in each resident's written record
18 of care as described in Section 1569.80.

19 (2) Ensure the health, safety, comfort, and supervision of the
20 residents.

21 (3) Ensure that at least one staff member who has
22 cardiopulmonary resuscitation (CPR) training and first aid training
23 is on duty and on the premises at all times. This paragraph shall
24 not be construed to require staff to provide CPR.

25 (4) Ensure that the facility is clean, safe, sanitary, and in good
26 repair at all times.

27 (d) "Facility manager" means a person on the premises with the
28 authority and responsibility necessary to manage and control the
29 day-to-day operation of a residential care facility for the elderly
30 and supervise the clients. The facility manager, licensee, and
31 administrator, or any combination thereof, may be the same person
32 provided he or she meets all applicable requirements. If the
33 administrator is also the facility manager for the same facility, he
34 or she shall be limited to the administration and management of
35 only one facility.

36 ~~SEC. 1.5. Section 1569.618 of the Health and Safety Code is~~
37 ~~amended to read:~~

38 ~~1569.618. (a) The administrator designated by the licensee~~
39 ~~pursuant to paragraph (10) of subdivision (a) of Section 1569.15~~
40 ~~shall be present at the facility during normal working hours. A~~

1 facility manager designated by the licensee with notice to the
2 department, shall be responsible for the operation of the facility
3 when the administrator is temporarily absent from the facility.

4 (b) At least one administrator, facility manager, or designated
5 substitute who is at least 21 years of age and has qualifications
6 adequate to be responsible and accountable for the management
7 and administration of the facility pursuant to Title 22 of the
8 California Code of Regulations shall be on the premises 24 hours
9 per day. The designated substitute may be a direct care staff
10 member who shall not be required to meet the educational,
11 certification, or training requirements of an administrator. The
12 designated substitute shall meet qualifications that include, but are
13 not limited to, all of the following:

14 (1) Knowledge of the requirements for providing care and
15 supervision appropriate to each resident of the facility.

16 (2) Familiarity with the facility's planned emergency procedures.

17 (3) Training to effectively interact with emergency personnel
18 in the event of an emergency call, including an ability to provide
19 a resident's medical records to emergency responders.

20 (c) The facility shall employ, and the administrator shall
21 schedule, a sufficient number of staff members to do all of the
22 following:

23 (1) Provide the care required in each resident's written record
24 of care as described in Section 1569.80.

25 (2) Ensure the health, safety, comfort, and supervision of the
26 residents.

27 (3) Ensure that at least one staff member who has
28 cardiopulmonary resuscitation (CPR) training and first aid training
29 is on duty and on the premises at all times. This paragraph shall
30 not be construed to require staff to provide CPR.

31 (4) Ensure that the facility is clean, safe, sanitary, and in good
32 repair at all times.

33 (d) "Facility manager" means a person on the premises with the
34 authority and responsibility necessary to manage and control the
35 day-to-day operation of a residential care facility for the elderly
36 and supervise the clients. The facility manager, licensee, and
37 administrator, or any combination thereof, may be the same person
38 provided he or she meets all applicable requirements. If the
39 administrator is also the facility manager for the same facility, he

1 ~~or she shall be limited to the administration and management of~~
2 ~~only one facility.~~

3 SEC. 2. Section 1569.625 of the Health and Safety Code is
4 amended to read:

5 1569.625. (a) The Legislature finds that the quality of services
6 provided to residents of residential care facilities for the elderly is
7 dependent upon the training and skills of staff. It is the intent of
8 the Legislature in enacting this section to ensure that direct-care
9 staff have the knowledge and proficiency to carry out the tasks of
10 their jobs.

11 (b) The department shall adopt regulations to require staff
12 members of residential care facilities for the elderly who assist
13 residents with personal activities of daily living to receive
14 appropriate training. This training shall consist of 10 hours of
15 training within the first four weeks of employment and four hours
16 annually thereafter. This training shall be administered on the job,
17 or in a classroom setting, or any combination of the two. The
18 department shall establish, in consultation with provider
19 organizations, the subject matter required for this training.

20 (c) The training shall include, but not be limited to, the
21 following:

- 22 (1) Physical limitations and needs of the elderly.
- 23 (2) Importance and techniques for personal care services.
- 24 (3) Residents' rights.
- 25 (4) Policies and procedures regarding medications.
- 26 (5) Psychosocial needs of the elderly.
- 27 (6) Building and fire safety and the appropriate response to
28 emergencies.

29 SEC. 2.5. *Section 1569.625 of the Health and Safety Code is*
30 *amended to read:*

31 1569.625. (a) The Legislature finds that the quality of services
32 provided to residents of residential care facilities for the elderly is
33 dependent upon the training and skills of staff. It is the intent of
34 the Legislature in enacting this section to ensure that direct-care
35 staff have the knowledge and proficiency to carry out the tasks of
36 their jobs.

37 (b) The department shall adopt regulations to require staff
38 members of residential care facilities for the elderly who assist
39 residents with personal activities of daily living to receive
40 appropriate training. This training shall consist of 10 hours of

1 training within the first four weeks of employment and four hours
2 annually thereafter. This training shall be administered on the job,
3 or in a classroom setting, or any combination of the two. The
4 department shall establish, in consultation with provider
5 organizations, the subject matter required for this training.

6 (c) The training shall include, but not be limited to, *all of the*
7 following:

- 8 (1) Physical limitations and needs of the elderly.
- 9 (2) Importance and techniques for personal care services.
- 10 (3) Residents' rights.
- 11 (4) Policies and procedures regarding medications.
- 12 (5) Psychosocial needs of the elderly.
- 13 (6) *Building and fire safety and the appropriate response to*
14 *emergencies.*

15 (d) *This section shall remain in effect only until January 1, 2016,*
16 *and as of that date is repealed, unless a later enacted statute, that*
17 *is enacted before January 1, 2016, deletes or extends that date.*

18 SEC. 2.7. *Section 1569.625 is added to the Health and Safety*
19 *Code, to read:*

20 1569.625. (a) *The Legislature finds that the quality of services*
21 *provided to residents of residential care facilities for the elderly*
22 *is dependent upon the training and skills of staff. It is the intent of*
23 *the Legislature in enacting this section to ensure that direct-care*
24 *staff have the knowledge and proficiency to carry out the tasks of*
25 *their jobs.*

26 (b) (1) *The department shall adopt regulations to require staff*
27 *members of residential care facilities for the elderly who assist*
28 *residents with personal activities of daily living to receive*
29 *appropriate training. This training shall consist of 40 hours of*
30 *training. A staff member shall complete 20 hours, including six*
31 *hours specific to dementia care, as required by subdivision (a) of*
32 *Section 1569.626 and four hours specific to postural supports,*
33 *restricted health conditions, and hospice care, as required by*
34 *subdivision (a) of Section 1569.696, before working independently*
35 *with residents. The remaining 20 hours shall include six hours*
36 *specific to dementia care and shall be completed within the first*
37 *four weeks of employment. The training coursework may utilize*
38 *various methods of instruction, including, but not limited to,*
39 *lectures, instructional videos, and interactive online courses. The*
40 *additional 16 hours shall be hands-on training.*

(2) *In addition to paragraph (1), training requirements shall also include an additional 20 hours annually, eight hours of which shall be dementia care training, as required by subdivision (a) of Section 1569.626, and four hours of which shall be specific to postural supports, restricted health conditions, and hospice care, as required by subdivision (a) of Section 1569.696. This training shall be administered on the job, or in a classroom setting, or both, and may include online training.*

(3) *The department shall establish, in consultation with provider organizations, the subject matter required for the training required by this section.*

(c) *The training shall include, but not be limited to, all of the following:*

(1) *Physical limitations and needs of the elderly.*

(2) *Importance and techniques for personal care services.*

(3) *Residents' rights.*

(4) *Policies and procedures regarding medications.*

(5) *Psychosocial needs of the elderly.*

(6) *Building and fire safety and the appropriate response to emergencies.*

(7) *Dementia care, including the use and misuse of antipsychotics, the interaction of drugs commonly used by the elderly, and the adverse effects of psychotropic drugs for use in controlling the behavior of persons with dementia.*

(8) *The special needs of persons with Alzheimer's disease and dementia, including nonpharmacologic, person-centered approaches to dementia care.*

(9) *Cultural competency and sensitivity in issues relating to the underserved, aging, lesbian, gay, bisexual, and transgender community.*

(d) *This section shall not apply to certified nurse assistants, certified pursuant to Article 9 (commencing with Section 1337) of Chapter 2, licensed vocational nurses, licensed pursuant to Chapter 6.5 (commencing with Section 2840) of Division 2 of the Business and Professions Code, and registered nurses, licensed pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code, except both of the following shall apply:*

(1) *A licensed or certified health professional with valid certification shall receive eight hours of training on resident*

1 *characteristics, resident records, and facility practices and*
2 *procedures prior to providing direct care to residents.*

3 *(2) In addition to paragraph (1), a certified nurse assistant shall*
4 *also receive the 12 hours of dementia care training specified in*
5 *Section 1569.626 and the annual training specified in paragraph*
6 *(2) of subdivision (b).*

7 *(e) This section shall become operative on January 1, 2016.*

8 *SEC. 3. Sections 2.5 and 2.7 of this bill incorporate*
9 *amendments to Section 1569.625 of the Health and Safety Code*
10 *proposed by both this bill and Assembly Bill 1570. They shall only*
11 *become operative if (1) both bills are enacted and become effective*
12 *on or before January 1, 2015, (2) each bill amends Section*
13 *1569.625 of the Health and Safety Code, and (3) this bill is enacted*
14 *after Assembly Bill 1570, in which case Section 2 of this bill shall*
15 *not become operative.*

16 ~~SEC. 3.~~

17 *SEC. 4. No reimbursement is required by this act pursuant to*
18 *Section 6 of Article XIII B of the California Constitution because*
19 *the only costs that may be incurred by a local agency or school*
20 *district will be incurred because this act creates a new crime or*
21 *infraction, eliminates a crime or infraction, or changes the penalty*
22 *for a crime or infraction, within the meaning of Section 17556 of*
23 *the Government Code, or changes the definition of a crime within*
24 *the meaning of Section 6 of Article XIII B of the California*
25 *Constitution.*

26 ~~SEC. 4. Section 1.5 of this bill incorporates amendments to~~
27 ~~Section 1569.618 of the Health and Safety Code proposed by both~~
28 ~~this bill and Assembly Bill 1571. It shall only become operative~~
29 ~~if (1) both bills are enacted and become effective on or before~~
30 ~~January 1, 2015, (2) each bill amends Section 1569.618 of the~~
31 ~~Health and Safety Code, and (3) this bill is enacted after Assembly~~
32 ~~Bill 1571, in which case Section 1 of this bill shall not become~~
33 ~~operative.~~